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OFFICE OF PETITIONS

In re Application of :
Bradley et al. :
Application No. 09/668,518 : DECISION ON PETITION
Filed: 22 September, 2000 :
Atty Docket: 125/116 :

This is a decision on the petition under 37 CFR 1.55(a), filed 25 May, 2005, for entry of priority papers submitted after the date the issue fee was paid.

The petition is granted.

Receipt is acknowledged of papers submitted under 35 USC 119.

The priority papers are accepted as timely filed and have been placed of record in the file.

Petitioner is advised that the rule affecting the submission of a claim for priority of a certified priority document under 37 CFR 1.55(a) was changed effective November 7, 2000. In effect, the Office will permit applicants to file a priority claim or certified priority document with the processing fee set forth in 37 CFR 1.17(i) between the date the issue fee is paid and the date a patent is issued. The Office will, however, merely place such submission in the application file but will not attempt to determine whether the applicant has met the conditions of 35 USC 119(a)-(d) to make the priority claim information in the text of the patent. In such a situation, the patent will not contain the priority claim information. The patentee may request a certificate of correction under 35 USC 255 and 1.323 and a determination of entitlement for such priority will be made after the patent is granted. See Federal Register/Vol. 65, No. 175, September 8, 2000, page 54622.

Nevertheless, since the instant petition was associated with the file and is before the deciding official prior to issuance, action on the petition under 37 CFR 1.55(a) has been taken. However, if the printing of the patent has progressed to the point where the priority data cannot be included on the printed patent, a certificate of correction pursuant to the provisions of 37 CFR 1.322(a) will be issued.

Any questions concerning this decision on petition should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231. Any questions concerning the issuance of this application into a patent should be directed to Customer Services at (703) 308-6789. Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

The application file is being referred to the Publishing Division.

A handwritten signature in cursive script that reads "Frances Hicks".

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy